

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Latrice Frazier	Team: Squad #1	CCRB Case #: 202000852	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/01/2020 12:20 PM	Location of Incident: 250 Baychester Avenue	Precinct: 45	18 Mo. SOL 8/1/2021	EO SOL 3/18/2022	
Date/Time CV Reported Sat, 02/01/2020 1:02 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 02/01/2020 1:02 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Rodriguez	14441	926015	045 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Rodriguez	Abuse: Police Officer Robert Rodriguez threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On February 1, 2020, § 87(2)(b) called the CCRB and left a voicemail complaint on the call processing system.

On February 1, 2020, at approximately 12:20 pm, PO Rodriguez pulled over § 87(2)(b) and issued her two summonses while driving in the vicinity of Baychester Avenue and Bartow Avenue in the Bronx. § 87(2)(b) told PO Rodriguez that he was being confrontational. In response, PO Rodriguez stated, “Absolutely not, if it was confrontational you’d be in handcuffs right now. I’m not going there. You’d be in the back of my car, and I wouldn’t worry about your § 87(2)(b) old, but I am, so you are going back to your child” (**Allegation A: Abuse of Authority, § 87(2)(g)**), § 87(2)(b) received two VTL violation summonses.

BWC captured the alleged incident (**Board Review 01**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Robert Rodriguez threatened to arrest

§ 87(2)(b) testified that when PO Rodriguez pulled her over, she passed him her § 87(2)(b) driver’s license and temporary § 87(2)(b) registration. § 87(2)(b) explained that she had a family emergency involving her child, and a temporary § 87(2)(b) state registration as she had just purchased the vehicle. PO Rodriguez stated that by law, she was supposed to park the vehicle within five days of purchasing the vehicle and wait for her license plates. § 87(2)(b) explained that the temporary license plates were not expired as she recently purchased the vehicle in § 87(2)(b) and would receive the tags in 30 days. PO Rodriguez replied, that she was supposed to park the vehicle for five days and wait for the tags in the mail. § 87(2)(b) asked PO Rodriguez to clarify why she had been stopped and requested an explanation of the law he was enforcing regarding the five days. § 87(2)(b) told PO Rodriguez that he had a nasty attitude and PO Rodriguez responded saying, “I don’t have an attitude, because if I did you would be in handcuffs in the back of my vehicle.” § 87(2)(b) felt threatened (**Board Review 02**).

BWC footage captured the entirety of the interaction between § 87(2)(b) and PO Rodriguez. PO Rodriguez asked how long she’s had the vehicle and § 87(2)(b) replied one-or two-weeks. PO Rodriguez asked why she has not registered it in the state of § 87(2)(b) § 87(2)(b) replied that it is registered. PO Rodriguez speaks over § 87(2)(b) and says, in § 87(2)(b) it’s a temporary registration, and before you start talking, listen to me. You are required to take it home, park it, register it in the state of § 87(2)(b) A clarifying conversation ensued regarding the stop and § 87(2)(b) said, ok that’s fine, just do what you have to do so I can go. PO Rodriguez said, I’m not trying to make it confrontational. § 87(2)(b) replied, well I felt like you were just being a little confrontational. PO Rodriguez said, absolutely not, if it was confrontational you’d be in handcuffs right now. I’m not going there. You’d be in the back of my car, and I wouldn’t worry about your one-year old, but I am, so you are going back to your child (**Board Review 03**).

PO Rodriguez issued § 87(2)(b) two summonses, for misuse of dealer/transporter plates (§ 87(2)(b)) and operating a vehicle with dealer plates for more than 5 days (§ 87(2)(b)) (**Board Review 04**).

According to Patrol Guide 208-01 a civilian can be arrested for a VTL violation (**Board Review 05**).

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 06**).
- PO Robert Rodriguez has been a member of service for 20 years and has been a subject in 19 CCRB complaints and 38 allegations, of which nine were substantiated. § 87(2)(g) (**Board Review 07**).
 - 200915966 involved substantiated allegations of frisk against PO Rodriguez. The Board recommended no disciplinary action.
 - 201704889 involved substantiated allegations of gun pointed, other, refusal to provide name/shield number, seizure of property, threat of force, threat of summons, vehicle search, discourtesy against PO Rodriguez. The Board recommended Charges and he was found guilty after APU trial. The Department has yet to make a final recommendation.

- § 87(2)(b) declined to mediate this complaint.
- As of April 29, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 08**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 09**).

Squad No.: 1

Investigator: _____ Inv. Frazier _____ 5/8/20
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 5.14.20
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____